IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9179 of 2005

Between:

1 Neelakantaiah, s/o Galaiah,
r/o Babullgoan Village, Jukkal Mandal, Nizamabad District.
2 Basaiah Swamy, s/o Galaiah,
r/o Babullgoan Village, Jukkal Mandal, Nizamabad District.

..... PETITIONERS

AND

1 The Secretary, I & CAD Department, Secretariat, Hyderabad.
2 The District Collector, Nizamabad at Nizamabad.
3 The Land Acquisition Officer/RDO, Bodhan, Nizamabad District.
4 The Executive Engineer, Koulas Nala Project, Nizamabad Division, at Nizamabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate writ, order or direction more particularly one in the nature of writ of mandamus directing the respondents No.2 and 3 herein to pass fresh award and pay the compensation in respect of the House bearing Nos.1-104, 1-101, 1-115 and 3-13 of the petitioner No.1 and House Nos.1-102 and 1-115/2 of the petitioner No.2 herein of Babulgaon Village, Jukkal Mandal, Nizamabad District on par with the petitioners in WP No.111/2004 on the file of the Hon'ble High Court of A.P., in the interest of justice and equity.

Counsel for the Petitioners: MR.V.TULASI REDDY

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed seeking a direction to the respondents 2 and 3 to pass fresh award and pay compensation in respect of the house bearing Nos.1-104, 1-101, 1-115 and 3-13 of the petitioner No.1 and house Nos.1-102 and 1-115/2 of the petitioner No.2 of Babulgaon Village, jukkal Mandal, Nizamabad District.

The petitioners claim to be the owners of the house properties which were acquired under the notification dated
07-09-1999 for the purpose of submergence under Koulas Nala Project. It appears that the petitioners and other villagers whose lands were also acquired consented to accept the award of the Land Acquisition Officer and that they will not seek enhancement. Thereafter the third respondent by proceedings dated 12-02-2001 submitted the draft award proceedings, but the second respndent by proceedings dated 12-04-2001 directed the third respondent to submit revised provisional valuation keeping in view the aspects specified there under. In pursuance thereof the third respondent passed an award dated 23-04-2002 reducing the compensation for the houses of the petitioners and other villagers ranging from 30% and above. Aggrieved by the same the other claimants filed W.P.No.111 of 2004 and the same was disposed of by this Court by order dated 19-02-2004 setting aside the award dated 23-04-2002 and directing the respondents to undertake negotiations with the petitioners or their representatives as regards deduction of cost of wood of the acquired structures and basing on the final decision pass a fresh award.

The petitioners state that the said order has been implemented and fresh awards have been passed in respect of other claimants. However since, the petitioners herein are not parties to W.P.No.111 of 2004, such benefit has not been extended to the petitioners herein. Hence, this writ petition.

Heard the learned counsel for the petitioners and the learned Government Pleader for Land Acquisition appearing for the respondents. The learned Government Pleader does not dispute the fact that the issue involved in this writ petition is squarely covered by the decision rendered in W.P.No.111 of 2004. Accordingly, following the decision in W.P.No.111 of 2004, the writ petition is disposed of setting aside the award dated

23-04-2002 and directing the respondents 2 and 3 to undertake negotiations with the petitioners or their representatives as regards deduction of cost of wood of the acquired structures and after a final decision is taken, a final award shall be passed by the third respondent. Such exercise shall be completed within three months from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 28-04-2005

Note: Furnish C.C. by Monday.

B/o.

LSK

To

1 The Secretary, I & CAD Department, Secretariat, Hyderabad.
2 The District Collector, Nizamabad at Nizamabad.
3 The Land Acquisition Officer/RDO, Bodhan, Nizamabad District.
4 The Executive Engineer, Koulas Nala Project, Nizamabad Division, at Nizamabad.

5 Two C.Cs. to the G.P. for Land Acquisition, High Court buildings, Hyderabad. (OUT)

6 Two C.D. copies.